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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/480,883	01/10/2000	SCOTT T. ALLAN	A-65188-1/TO	4877
30636	7590	03/14/2006	EXAMINER	
FAY KAPLUN & MARCIN, LLP 150 BROADWAY, SUITE 702 NEW YORK, NY 10038			JASMIN, LYNDIA C	
			ART UNIT	PAPER NUMBER
			3627	
DATE MAILED: 03/14/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/480,883	<b>Applicant(s)</b> ALLAN ET AL.	
	<b>Examiner</b> Lynda Jasmin	<b>Art Unit</b> 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 38-41 and 44-58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 38-41, 44-58 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 28, 2006 has been entered.
2. Amendment received August 11, 2005 has been acknowledged.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 51, 53-55 are rejected under 35 U.S.C. 102(a) as being anticipated by Tognazzini (5,739,512).

Tognazzini discloses a point of sale terminal (such as a merchant terminal) that generates a transaction record (digital receipt) according to a transaction with a user (col. 2, lines 40-46), and a transaction database accessible by a user computer (such as a credit card company computer system that would retain the receipt in a database for re-transmission) that receives and stores the transaction record from the point of sale

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terminal over a network (col. 2, lines 31-34), wherein the transaction database restrict access by a user to the transaction records corresponding to a role defined for the user (col. 2, lines 34-37; via using an electronic mail address and the traveler's public encryption key stored in a database).

Tognazzini further discloses that the point-of-sale terminal is one of a card reader (via card reader for reading customer cards). The transaction record includes at least one of a price, a product a service, a payment method and an electronically captured signature (as illustrated in Figure 4).

Tognazzini, in another embodiment, further discloses that the transaction database stores a plurality of transaction records associated with a plurality of users (via a central computer; col. 3, lines 28-38). The transaction database allows the user to search the transaction records relevant to the user (col. 3, lines 15-20).

Further, the role is one of the consumer (via the traveler's public encryption key stored in a database and/or electronic mail address).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 38-41, 44-50, 52 and 56-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tognazzini (5,739,512), in view of Francini (EU 0474 360 A2)

Tognazzini discloses a method with the steps of receiving a transaction record, the transaction record corresponding to a consumer (via a customer digital receipt), storing the transaction record in a transaction database (via digital delivery of customer receipt to a user's electronic mail box and/or a user's smart card for later retrieval; or via credit card company retaining receipt in a database) which includes a plurality of transaction record (since smart cards store a wide variety of information in digital format; col. 1, lines 48-55; col. 3, lines 4-8), providing access by a user computer to the transaction record in the transaction database (col. 2, lines 63-65), wherein the transaction database restrict access by the user to the transaction records corresponding to role defined by the user (since it is configured to retrieve receipt information from an electronic mail box having an electronic mail address to the corresponding customer; col. 6, lines 35-39; see also col. 2, lines 34-37; via using an electronic mail address and the traveler's public encryption key stored in a database), and allowing the user to search the transaction records relevant to the user (col. 3, lines 15-20).

Tognazzini further discloses the step of providing an image of the transaction record to the user (as illustrated in Figure 4), forwarding a copy of the transaction record to a merchant involved in the transaction (via sending to the electronic mail box of the person who prepares the travel voucher such a merchant or agent, a copy of the receipt).

Tognazzini further discloses providing access by a plurality of users to the transaction database (via receipt information retaining in a database), and restricting the

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access to corresponding role by defined user (i.e. email address/smart card/encryption key stored in a database), where the role is one of a merchant (col. 3, lines 9-38), where the merchant includes access to the transaction database that is restricted to viewing the transaction records relevant to the plurality of users (via providing electronic copy of receipt to merchant (col. 5, lines 12-15).

Tognazzini further discloses the step of the transaction database restricting access by the merchant to the transaction records corresponding to the merchant (via retrieving receipt information from an electronic mail box having an electronic mail address of the corresponding merchant).

Tognazzini further discloses compiling the transaction records relevant to the user into a bill, wherein the bill is a summary of the transaction records (via utilized to formulate an expense report; col. 6, lines 61-65).

Tognazzini further discloses the role of the consumer includes access to the transaction database that is restricted to viewing the transaction records relevant only to the consumer (via the electronic receipt may be sent to the customer as well as to whomever prepares his or her travel vouchers. The electronic copy of the receipt may be in an electronic data interchange format.)

Although Tognazzini discloses transaction record are retained in a database for re-transmission, for audit or historical purposes, however, Tognazzini fails to explicitly disclose electronically captured signature from the point of sale and sending transaction record based on request made by the user.

Francini discloses the concept of validating transaction employing electronic receipt having means for electronically capturing data, supplied by the customer including electronically capturing customer signature using a combination of a CRT and light pen (col. 2, lines 28-37). Francini further discloses cardholder disputing a bill on his statement and contact the issuer. From this teaching of Francini, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the generation of digital receipt of Tognazzini to include the electronically captured signature taught by Francini in order to facilitate validation of transaction record.

As per claims 56 and 57, Francini discloses the concept of having the transaction database transmits information (such as transaction record) to the point-of-sale terminal for display at the point-of-sale terminal (via CRT screen col. 7, lines 15-23). From this teaching of Francini, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the processing of purchase transactions over the network of Tognazzini to include the display of transaction data in order to facilitate validation of the transaction.

### ***Response to Arguments***

Applicant's arguments filed August 11, 2005 have been fully considered but they are not persuasive. Applicants argue, "Tognazzini patent neither teaches nor suggest that a transaction record may be stored in a transaction database and accessed by a user according to a role defined for the user and neither disclose nor suggest '*wherein the transaction database restrict access by a user to the transaction records*

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*corresponding to a role defined for the user'.*" The examiner respectfully disagrees.

Tognazzini discloses a transaction database accessible by a user computer such as a credit card company computer system that would retain the receipt in a database for re-transmission that receives and stores the transaction record from the point of sale terminal over a network (as discloses in col. 2, lines 31-34), wherein the transaction database restrict access by a user to the transaction records corresponding to a role defined for the user (col. 2, lines 34-37) via using an electronic mail address and the traveler's public encryption key stored in a database.

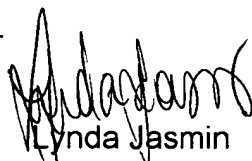
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda Jasmin whose telephone number is (571) 272-6782. The examiner can normally be reached on Monday- Friday (9:30-6:00) with Thursday Telework.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Lynda Jasmin  
Primary Examiner  
Art Unit 3627

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